

North Berry Creek Unilateral Right-of-Way and Road Construction Permit

South River Field Office
Environmental Assessment
EA# OR-105-08-01

Date Prepared: January 25, 2008

Finding of No Significant Impact

The South River Field Office, Roseburg District, Bureau of Land Management (BLM), has completed the Environmental Assessment (EA) for the proposed North Berry Creek Unilateral Right-of-Way and Road Construction Permit. Two alternatives are analyzed in detail (EA, p. 3), consisting of Alternative One - No Action and Alternative Two - The Proposed Action. As the analysis was based on a request by Swanson Group, LLC, the proponent, no other alternatives were deemed necessary or appropriate to address their request.

Unaffected Resources

As addressed in the EA (p. 3), the following resources or critical elements of the human environment will not be affected under either alternative because they are absent from the project areas: Areas of Critical Environmental Concern (ACEC); prime or unique farmlands; floodplains; wilderness; waste, solid or hazardous; and Wild and Scenic Rivers. No unique characteristics would be impacted (Council on Environmental Quality (CEQ) Regulations - 40 CFR § 508.27(b) (3)).

Environmental Justice

The North Berry Creek Unilateral Right-of-Way and Road Construction Permit project is consistent with Executive Order 12898 which addresses Environmental Justice in minority and low-income populations. As discussed in the EA (p. 3), no potential impacts to low-income or minority populations have been identified by the BLM internally or through the public involvement process. Employment associated with the project will be performed by local contractors engaged in similar types of work throughout Douglas County. Correspondence with local tribal governments did not identify any unique or special resources in the project area which provide religious, employment, subsistence, or recreation opportunities.

Cultural and Historical Resources

As discussed in the EA (p. 9), the project site was inventoried in 1987 and no cultural resources were found. Consequently, there will be no adverse impacts to scientific, cultural, or historical resources (40 CFR § 1508.27(b) (8)).

Wildlife

As discussed in the EA (. 5), there are twenty-four Special Status wildlife species documented or suspected in the South River Resource Area, consisting of the Federally-threatened northern spotted owl and marbled murrelet, and 22 Bureau Sensitive species. The Bureau Sensitive species will not be affected, as documented in Appendix B, because the project area is outside of the species range, habitat is not present, or the species and their habitats are not expected in the area.

The road construction will not affect spotted owls or marbled murrelets through either habitat modification or disruption because no suitable habitat will be removed, and the site of the construction is well beyond the 65-yard disruption threshold for spotted owls (EA, p. 12) and 100-yard threshold for marbled murrelets (EA, p. 13).

As described in the EA (p. 12) the likelihood of timber hauling disrupting spotted owls is negligible because of owl acclimation to baseline disturbance from other traffic using roads in the area.

In the northeast corner of Section 13, Road No. 28-7-12.0 crosses unsurveyed suitable habitat that is within 65 yards of the known occupied murrelet stand. As this is within the 100-yard disruption threshold, there is a potential for disturbance caused by noise from log hauling. In order to minimize the potential that adult murrelets would be disturbed when visiting the nest to feed offspring, a Daily Operational Restriction will be applied to log hauling activities consisting of a prohibition on log hauling until two hours after sunrise, and cessation of hauling two hours before sunset from April 1 to August 5.

Fisheries

As discussed in the EA (p. 6), there are no fish bearing streams in the project area. The Bureau Sensitive Umpqua chub and Oregon Coast coho salmon, also proposed for listing under the Endangered Species Act as a Federally-threatened species, are present in Olalla Creek, downstream from Ben Irving Reservoir which is a barrier to upstream migration.

The project area is in excess of two stream miles above Ben Irving Dam which marks the upper limits of Essential Fish habitat. None of the streams along the haul route are considered Essential Fish Habitat.

As further described in the EA (pp. 13-14), the sole potential for affecting fish or Essential Fish Habitat would arise from sediment. Because the road construction will be situated on a ridge top location outside of any Riparian Reserves and without any connection to streams at crossings, it will not affect fish or Essential Fish Habitat.

As described in the EA (p. 8), the three intermittent stream crossings on the haul route have no potential for delivering sediment to fish bearing streams. Because of their location in excess of two stream miles above the limits of Essential Fish Habitat, marked by the Ben Irving Dam, timber hauling will have no effect to Essential Fish Habitat.

Botany

Surveys for Bureau Sensitive vascular plants, lichens and bryophytes were completed, as documented in Appendix C of the EA. None were located, so no effects to any of these species would be anticipated.

In the case of fungi, known sites of Bureau Sensitive species will not be affected by the proposed density management because they are not in the proposed project area, as documented in the EA (p. 9). Since surveys are not practical, there may be unknown sites that could be lost as a result of the road construction. Such a loss, if one were to occur, is not be considered likely to contribute to a need to list any species under the Endangered Species Act as the area that will be subject to disturbance will only involve about one-quarter of an acre of early-seral forest.

For the reasons described above, there will be no significant adverse impacts to any special status species (40 CFR § 1508.27 (b) (9)). The anticipated impacts are within the range and scope of those analyzed in the *Roseburg District Proposed Resource Management Plan/Environmental Impact Statement* (PRMP/EIS).

Noxious Weeds

Implementation of the District *Integrated Weed Management Program*, in association with project design and contract provisions will minimize risk of introduction or spread of noxious weeds in association with the proposed road construction. Measures will be implemented to eradicate existing weed infestations. Disturbed areas will be mulched and seeded with native grasses to discourage future weed establishment. Pressure washing or steam cleaning logging and road construction equipment prior to move-in will remove soil and other substances that may be contaminated with weed seed or other propagative materials to reduce the risk of introducing weeds from outside the project area (EA, p. 10). These actions are consistent with the requirements of the Lacey Act; the Federal Noxious Weed Act of 1974, as amended; and Executive Order 13112, Invasive Species.

The project is consistent with all applicable Federal, State, and local laws (40 CFR § 1508.27(b) (10)).

Of the ten points listed under 40 CFR § 1508.27(b), the following were considered and were found not to apply to the proposed action: significant beneficial or adverse effects; significant effects on public health or safety; effects on the quality of the human environment that are likely to be highly controversial; anticipated cumulatively significant impacts; highly uncertain or unknown risks; and no precedents for future actions with significant effects.

Based on the analysis of potential impacts contained in the environmental assessment, I have determined that the proposed action will not have significant impact on the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, and that an environmental impact statement is not required.

I have determined that the proposed action is in within the scope of impacts anticipated in the PRMP/EIS, and is in conformance with the *Record of Decision and Resource Management Plan* (ROD/RMP) for the Roseburg District, approved by the Oregon/Washington State Director on June 2, 1995.

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Date